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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,453

04/12/2006

Hiroyuki Yamaji

0951-0186PUS1

3146

2292 7590 12/17/2007  
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EXAMINER

BRASE, SANDRA L

ART UNIT

PAPER NUMBER

2852

NOTIFICATION DATE

DELIVERY MODE

12/17/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,453	YAMAJI, HIROYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sandra L. Brase	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-18 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 19 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, claims 1-6 and 19, in the reply filed on 10/3/07 is acknowledged.
2. Claims 7-18 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/3/07.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains two paragraphs.

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (US 6,713,734).

7. Suzuki (...734) disclose an image forming apparatus (figure 1) including a fixing apparatus comprising a heating roller (1), a pressure roller (7) that presses recording material (P) to outer circumferential surface of the heating roller (col. 4, lines 12-25), a partial heating means (2) that heats the heating roller (col. 3, lines 61-65), and a temperature detecting means (8) that detects the temperature of the heating roller, in which the heating roller is heated by the partial heating means so that an image is fixed with heat on the recording material, which passes between the heating roller and the pressure roller (col. 5, lines 21-37), wherein the temperature detecting means is disposed in a region of the heating roller heated by the partial heating means (col. 5, lines 38-41 and figure 2A). The partial heating means is provided inside of the heating roller (figure 2A).

8. Claims 1, 3, 4 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Asakura et al. (US 6,872,925).

9. Asakura et al. (...925) disclose an image forming apparatus (figure 8) including a fixing apparatus comprising a heating roller (2), a pressure roller (3) that presses recording material (12) to outer circumferential surface of the heating roller (figure 1), a partial heating means that heats the heating roller (col. 10, lines 31-59), and a temperature detecting means (10) that detects the temperature of the heating roller, in which the heating roller is heated by the partial heating means so that an image is fixed with heat on the recording material, which passes between the heating roller and the pressure roller (col. 10, lines 13-20), wherein the temperature detecting means is disposed in a region of the heating roller heated by the partial heating means (figure 1). The partial heating means is provided outside of the heating roller (figure 1). The partial heating means is a heat source with an electromagnetic induction heating system that causes the heating roller to generate heat by generating an eddy current in a heat generating layer of the heating roller in a magnetic field generated by a magnetic flux generating means (col. 10, lines 31-59). The magnetic flux generating means is disposed facing the outer peripheral surface of the heating roller with a constant gap formed relative to the outer peripheral surface of the heating roller (figure 1), and the temperature detecting means is disposed in a region where the heating roller faces the magnetic flux generating means (figure 1).

***Allowable Subject Matter***

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaguchi (US 5,666,627), Watanabe (US 6,400,924), Watanabe et al. (US 6,687,481) and Imai et al. (US 6,810,230) disclose a heating means that heats a heating roller of a fixing apparatus.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase  
Primary Examiner  
Art Unit 2852

December 5, 2007